

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 19-15058

Agency No. A027-385-829

SOHAIL MAYAN,

Petitioner,

versus

U.S. ATTORNEY GENERAL,

Respondent.

Petition for Review of a Decision of the
Board of Immigration Appeals

(March 30, 2021)

Before WILLIAM PRYOR, Chief Judge, JILL PRYOR, Circuit Judge, and SELF,*
District Judge.

* Honorable Tilman Eugene Self III, United States District Judge for the Middle District of Georgia, sitting by designation.

PER CURIAM:

Sohail Mayan has petitioned for review of a Board of Immigration Appeals (“BIA”) decision denying his application for cancellation of removal from the United States and ordering removal. The BIA concluded that Mayan failed to prove he had not been convicted of an “aggravated felony,” 8 U.S.C.

§ 1227(a)(2)(A)(iii), because the record of his Florida marijuana conviction was inconclusive as to whether the crime he committed was such a felony. Thus, the BIA found him ineligible for cancellation of removal. *Id.* § 1229b(b)(1)(C).

Mayan petitioned this Court for review, arguing that in the face of such ambiguity the BIA should have presumed his conviction was for the least of the acts the Florida statute criminalized, a determination that would have made him eligible for the relief he sought.

After we ordered that the case be orally argued, the United States Supreme Court held that a petitioner in Mayan’s shoes—whose record of conviction is ambiguous as to whether the conviction was for an aggravated felony—has failed to meet his burden of proof to demonstrate he is eligible for cancellation of removal. *See Pereida v. Wilkinson*, 141 S. Ct. 754 (2021). Because *Pereida* controls the outcome of this case, we deny Mayan’s petition.

PETITION DENIED.